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DIETER P. ABT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

TARAS VOLGEMUT, an individual,
Plaintiff,
vs.
DIETER P. ABT, an individual,
Defendant.

Case No. 2:12-cv-6678-GHK(MRWx)

**STIPULATION TO VACATE
DEFAULT JUDGMENT BY CLERK**

Complaint Filed: August 2, 2012
Judgment Entered: November 7, 2012

18 WHEREAS on August 2, 2012, plaintiff TARAS VOLGEMUT (“Plaintiff”)
19 filed the above-entitled action against defendant DIETER ABT (“Defendant”) (the
20 “Federal Court Action”);

21 WHEREAS Defendant failed to appear in the Federal Court Action and a
22 default judgment was entered against Defendant on November 7, 2012 (Dkt. #11)
23 (the “Default Judgment”);

WHEREAS the parties have entered into a written agreement, purportedly to settle the underlying dispute that is the subject of the Federal Court Action, and pursuant to which the parties have agreed to vacate the Default Judgment and to enter into a stipulation to vacate the Default Judgment. Additionally, Defendant contends that the Default Judgment is void, for lack of subject matter jurisdiction.

1 Therefore, the parties have agreed that upon the Court's vacating of the default
2 judgment, the parties will enter into a stipulation to dismiss the Federal Court Action
3 with prejudice, and in the event that Defendant defaults on the parties'
4 aforementioned written agreement, Plaintiff has the right to file a state court action
5 against Defendant in connection with the underlying dispute on which the Federal
6 Court Action is based.

7 As a result of the foregoing, Plaintiff and Defendant hereby enter into this
8 stipulation, by and through their respective counsel, to vacate the Default Judgment.
9 The parties request that the Court vacate the Default Judgment.

10 There exists good cause for vacating the Default Judgment. As discussed
11 above, the parties have entered into an agreement intended to settle the dispute that
12 underlies the above-entitled action. Moreover, in the event that Defendant defaults
13 on such agreement, the parties agree that the appropriate remedy is for Plaintiff to
14 obtain a judgment against Defendant in state court.

15 Respectfully submitted.

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17 DATED: July 19, 2013

ALPERT, BARR & GRANT
A Professional Law Corporation

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By: _____/s/

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ADAM D.H. GRANT
MICHELLE E. GOODMAN
Attorneys for Defendant
DIETER P. ABT

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[ADDITIONAL SIGNATURES ARE ON THE FOLLOWING PAGE]

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1 DATED: July 19, 2013

VALLE MAKOFF LLP

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By: /s/

5 JEFFREY B. VALLE

6 JULIE J. ROBACK

7 Attorneys for Plaintiff

8 TARAS VOLGEMUT

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